	Application No.	Applicant(s)	_
	09/965,977	BEAULIEU ET AL.	
Notice of Allowability	Examiner	Art Unit	_
	Tamthom N. Truong	1624	
The MAILING DATE of this communication apperature All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate communi GHTS. This application is su	this application. If not included nication will be mailed in due course. THIS	;
1. \square This communication is responsive to $\underline{07-16-03}$.			
2. The allowed claim(s) is/are <u>1-15</u> .			
3. The drawings filed on are accepted by the Examiner	r.		
 4. ☐ Acknowledgment is made of a claim for foreign priority una a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have 2. ☐ Certified copies of the priority documents have 3. ☐ Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 	been received. been received in Application	No	
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		a reply complying with the requirements	
5. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give			
 CORRECTED DRAWINGS (as "replacement sheets") mus (a) including changes required by the Notice of Draftspers 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the 	on's Patent Drawing Review S Amendment / Comment or i	n the Office action of e drawings in the front (not the back) of	
7. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT I			
Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/0-Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. ⊠ Interview Sur Paper No./N 8), 7. ⊠ Examiner's A	lail Date <u>attached</u> . mendment/Comment tatement of Reasons for Allowance	

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claim 13: the fourth compound down, delete the word "quinozoaline", and insert the word – quinazoline — in its place.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Terence Bogie on 04-23-04.

Allowable Subject Matter

Applicant's amendment of 07-21-03 has been considered. Claims 16-19 have been cancelled, and thus, obviated the previous rejections of 112/1st and 2nd paragraphs. With no other outstanding rejection, claims 1-15 are allowed.

Reason for Allowance

The following is an examiner's statement of reasons for allowance:

The invention is drawn to **tetracyclic** compounds of benzo[g]imidazo[1,2-a]quinoxaline, benzo[g]pyrazolo[1,2-a]-quinazoline, benzo[g]imidazo[4,5-c]quinoline, or benzo[g]-thiazolo[4,5-c]quinoline, and pharmaceutical composition

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thereof. The closest reference, McQuaid et. al. (US 5,153,196), generically teaches a benzo fused tetracyclic system (formulae III, and IV). However, the disclosed genera do not have an amino substituent that is equivalent to -NHR₂ of the instant formula I. Thus, said reference does not anticipate or render obvious the claimed compounds.

An update search yields the reference of **Burke et. al.** (US 2003/0022898 A1), having one common inventor. Said reference has the same priority date as the one claimed herein, and thus, it is not a competent prior art. Furthermore, the compound claimed in US'898 is a **tricyclic** system, and therefore, there is no issue of double patenting.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamthom N. Truong whose telephone number is 571-272-0676. The examiner can normally be reached on M-F (~ 10 am $\sim 6:30$ pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached at 571-272-0674. If you are unable to reach Dr. Shah within a 24 hour period, please contact James O. Wilson, Acting SPE of 1624, at 571-272-0661.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

T. Truong

April 23, 2004

RICHARD L. RAYMOND L PRIMARY EXAMINER